

# HOUSE BILL No. 1381

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-20-13.

**Synopsis:** New tire fee. Increases the fee on new tires from \$0.25 to \$1. Allocates 25% of the money deposited in the waste tire management fund to the department of environmental management for waste tire activities and 75% to the department of commerce for grants and loans for waste tire activities.

**Effective:** July 1, 2005.

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**Wolkins, Adams T, Welch**

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January 13, 2005, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1381

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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-20-13-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A fee of  
3 ~~twenty-five cents (\$0.25)~~ **one dollar (\$1)** is imposed on the sale of the  
4 following:  
5 (1) Each new tire that is sold at retail.  
6 (2) Each new tire mounted on a new vehicle sold at retail.  
7 (b) The person that sells the new tire or vehicle at retail to the  
8 ultimate consumer of the tire or vehicle shall collect the fee imposed  
9 by this section.  
10 (c) A person that collects a fee under subsection (b):  
11 (1) shall pay the fees collected under subsection (b):  
12 (A) to the department of state revenue; and  
13 (B) at the same time and in the same manner that the person  
14 pays the state gross retail tax collected by the person to the  
15 department of state revenue;  
16 (2) shall indicate on the return:  
17 (A) prescribed by the department of state revenue; and



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(B) used for the payment of state gross retail taxes;  
 that the person is also paying fees collected under subsection (b);  
 and  
 (3) is entitled to deduct and retain one percent (1%) of the fees  
 required to be paid to the department of state revenue under this  
 subsection.

(d) The department of state revenue shall deposit fees collected  
 under this section in the waste tire management fund established by  
 this chapter.

SECTION 2. IC 13-20-13-8 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) Except as  
 provided in subsection ~~(d)(2)~~, ~~(d)(3)~~, (d)(6), and ~~(d)(7)~~ the waste tire  
 management fund is established for the following purposes:

(1) ~~Thirty-five~~ **Twenty-five** percent ~~(35%)~~ **(25%)** of the money  
 deposited in the fund **after June 30, 2005, and in each**  
**subsequent** year shall be used to assist the department:

(A) in the removal and disposal of waste tires from sites where  
 the waste tires have been disposed of improperly;

(B) in operating the waste tire education program under  
 section 15 of this chapter; and

(C) to pay the expenses of administering the programs  
 described in clause (B).

(2) ~~Sixty-five~~ **Seventy-five** percent ~~(65%)~~ **(75%)** of the money  
 deposited in the fund **after June 30, 2005, and in each**  
**subsequent** year shall be used to assist the department of  
 commerce:

(A) in providing grants and loans to persons involved in waste  
 tire management activities under section 9 of this chapter; and

(B) to pay the expenses of administering the programs  
 described in clause (A).

(b) The expenses of administering the fund shall be paid from  
 money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert  
 to the state general fund.

(d) Sources of money for the fund are the following:

(1) Fees paid under section 4(a)(6) of this chapter and  
 IC 13-20-14-5(e).

(2) Fees collected under section 7 of this chapter. ~~All money~~  
~~deposited in the fund under this subdivision may be used by the~~  
~~department for waste reduction, recycling, removal, or~~  
~~remediation projects.~~

(3) Costs and damages recovered from a person under section 14

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1 of this chapter or IC 13-20-14-8. ~~All money deposited in the fund~~  
 2 ~~under this subdivision may be used by the department for removal~~  
 3 ~~and remediation projects.~~

4 (4) Fees established by the general assembly for the purposes of  
 5 this chapter.

6 (5) Appropriations made by the general assembly.

7 (6) Gifts and donations intended for deposit in the fund. A gift or  
 8 donation deposited in the fund under this subdivision may be  
 9 specified to be entirely for the use of the department or the  
 10 department of commerce.

11 (7) Civil penalties collected under IC 13-30-4 for violations of:

12 (A) this chapter;

13 (B) IC 13-20-14; and

14 (C) rules adopted under section 11 of this chapter and  
 15 IC 13-20-14-6.

16 ~~All money deposited in the fund under this subdivision may be~~  
 17 ~~used by the department for waste tire removal and remediation~~  
 18 ~~projects.~~

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